IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No.651 of 2003

Date of decision 7.5.2007

State of H.P. and another Petitioners

Vs.

Bir Singh and others Respondents

Coram:

The Hon'ble Mr.Justice Rajiv Sharma, Judge.

Whether approved for reporting?[1] No.

For the Petitioners: Mr. M.S.Chandel, Advocate General, with Mr.M.A.Khan and Ms.Meenakshi Sharma, Dy. Advocate Generals.

For the Respondents : Mr.Sandeep Kaushik, Advocate, for respondents No.1 and 4.

Mr.V.D.Khidtta, Advocate, for respondents No. 3.

Rajiv Sharma,J.(Oral)

This petition is directed against the Award dated 27.12.2002. Brief facts necessary for the adjudication of this petition are that the Government has made reference to the Labour Court in the year 1998.

The only contention made by learned Deputy Advocate General against the award dated 27.12.2002 is that it was a case of abandonment and not retrenchment of the workmen. The State has not substantiated the plea of abandonment before the Labour Court and during the course of hearing of this petition also the State was not able to substantiate that the workmen had abandoned their jobs. The plea of abandonment is a question of fact which is to be determined on the basis of evidence led before the Labour Court. There is no dispute that the workmen had already completed 240 days preceding their

[1] Whether reporter of local papers are allowed to see the judgment ? No

retrenchment. Accordingly the workmen were entitled to get the benefit of Section 25-F of the Industrial Disputes Act, 1947.There is neither jurisdictional error nor any procedural irregularity in the award dated 27.12.2002. Accordingly the award dated 27.12.2002 is upheld and the writ petition is dismissed.

May 7,2007(g) **(Rajiv Sharma), J.**